

Applicants : Teichner et al.  
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**AMENDMENTS TO THE DRAWINGS:**

The attached 12 sheets of formal drawings include changes to prior Fig. 4 to add additional reference numerals, and also include new Fig. 10A to show the gutter cover 50 of original Fig. 4 shown in stalled on the bracket 100 of original Fig. 10.

**Attachments:**            12 Replacement Sheets

### **REMARKS/ARGUMENTS**

Reconsideration of the application as amended is requested.

Applicants request a two-month extension of time to respond to the outstanding Office Action, and a separate petition to this effect is enclosed.

The Examiner's additional remarks have been received and carefully considered. Prior claims 1-45 have been canceled without prejudice, and new claims 46-65 have been added.

Applicants note with appreciation the Examiner's comment that the previous specification and claim objections have now been withdrawn in light of Applicants' last amendments.

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a) on the grounds that they only illustrate the mounting bracket and gutter cover individually, and not in an assembled condition. In response to the Examiner's drawings objection, Applicants submit herewith new Fig. 10A, which shows the gutter cover 50 of original Fig. 4 shown installed on the bracket 100 of original Fig. 10, and enlarged to somewhat to more particularly illustrate the interconnection therebetween. Additional reference numerals have been added to original Fig. 4, and are provided in new Fig. 10A to more clearly illustrate the gutter cover assembled on the mounting bracket, as requested by the Examiner. The specification has been similarly amended at pages 2 and 7 to describe new Fig. 10A. Pursuant to the Examiner's request, submitted herewith is a complete set of formal drawings which Applicants believe overcome the various objections raised by the Examiner as to the prior drawings. Applicants submit that the replacement sheets submitted herewith, and related specification amendments, do not add any new matter to the application, and are in full compliance with the rules of practice.

Applicants note with appreciation the Examiner's comment that prior claims 27-35 and 37-45 contain allowable subject matter, and would be allowed if rewritten in independent form to overcome the § 112 rejections, as well as to include all of the limitations of the base claim and any intervening claims. As discussed in detail below, the claims have been amended to overcome the § 112 objections, and to more clearly distinguish over the art of record, such that all newly presented claims are believed to be in condition for immediate allowance.

Applicants' new claim 46 is substantively similar to prior claim 26, and recites a rain gutter system for buildings that includes a conventional rain gutter having a generally trough-shaped interior, a rear wall extending along a roof fascia, a bottom wall, and a front lip. The rain gutter system set forth in Applicants' new claim 46 also includes a gutter cover assembly for deflecting debris from the interior gutter. The claimed gutter cover assembly includes an elongate gutter cover having a back section extending along an associated roof, a middle section extending over the interior of the gutter, and a front section extending adjacent to the front lip of the gutter. The middle section of the gutter cover has an integrally formed, longitudinally extending fold that defines a female coupling member having a doubled over portion which projects at a predetermined angle toward the back section of the gutter cover, with a closed rearward end thereof positioned toward the back section of the gutter cover, and an opposite forward necked end thereof positioned toward the front section of the gutter cover and oriented vertically below the closed end along the predetermined angle, so that the doubled over portion of the female coupling member opens downwardly at the predetermined angle to prevent rainwater and debris from collecting therein. The gutter cover assembly set forth in Applicants' new claim 46 also includes a mounting bracket operably connected with the gutter and having an intermediate portion supporting the middle section of the gutter cover thereon to deflect debris from the interior of the gutter, and the forward portion supporting the front section of the gutter cover along the front lip of the gutter. The intermediate portion of the mounting bracket has a projection protruding toward the front section of the mounting bracket to define a male coupling member that extends forwardly and downwardly at the predetermined angle of the female coupling member, and is closely received and selectively retained in the female coupling member to securely mount the gutter cover on the mounting bracket without separate fasteners.

The Examiner rejected prior claims 26 and 36 under 35 U.S.C. § 103(a) as being unpatentable over the Albrecht patent 6,701,674 in view of the Albrecht patent 6,098,344. For those reasons set forth in detail below, Applicants assert that the rain gutter system set forth in new claim 46 is patentable over the Albrecht '674 and Albrecht '344 patents, as well as the other references of record.

As previously discussed, the Albrecht '674 and '344 patents disclose a snap-on installation gutter protection system, which in the embodiment illustrated in Fig. 1 of the '674 patent is identified by the reference numeral 100, and includes a gutter 190, a cover 101, and a bracket 150. The cover 101 is formed of a sheet material and includes a roof sealing lip 104, an upper portion 107, a lower portion 109, at least one projection or flex fold 112, a nose portion 116, a return portion 122, and a bracket retention lip 125. The flex fold 112 allows the cover 101 to flex in order to accommodate roofs of varying pitch. In the example illustrated in Fig. 1 of the Albrecht '674 patent, flex fold 112 is received in an upwardly opening channel portion of the bracket 150 defined between a pair of upper legs 153. The flex fold 112 extends downwardly into the upwardly opening channel defined between the upper legs 153 of bracket 150, and lies against the angled cover retaining lip 166. Fig. 8 of the Albrecht '674 patent discloses five variations of the flex fold 112, which in the example of Fig. 8E, is in the form of a slot that is angled downwardly a distance, and then rearwardly along a line parallel with the balance of the gutter cover 107.

While the Albrecht '674 gutter protection system does include a cover 101 with a flex fold 112, which at least in part serves to retain the cover 101 on the mounting bracket 150, the same is otherwise structurally and functionally quite dissimilar from Applicants' unique rain gutter system, as set forth in new claim 46. More specifically, in Applicants' new claim 46, a male coupling member is "closely received" and selectively retained in the female coupling member on the mounting bracket 150. As clearly shown in Fig. 1 of the Albrecht '674 patent, the flex fold 112 is not "closely received" within the channel formed by the upper walls 153. Furthermore, in each of the embodiments illustrated and described in the Albrecht '674 patent, including Fig. 8, the flex folds 112 open in an upwardly direction, wherein the open end of each of the flex folds 112 is positioned vertically above the associated closed or folded over end of the flex fold 112, such that rainwater or debris will collect and pool therein. In contrast, in the invention defined in Applicants' new claim 46, the female coupling member associated with the gutter cover has a doubled over portion, which projects at a predetermined angle toward the back section of the gutter cover, with a closed rearward end thereof positioned toward the back section of the gutter cover and an opposite forward necked end thereof, which is positioned toward the

front section of the gutter cover and oriented vertically below the closed end along the predetermined angle, so that the doubled over portion of the female coupling member opens downwardly at the predetermined angle to prevent water and debris from collecting therein. Furthermore, the mounting bracket set forth in Applicants' new claim 46 includes a projection that defines a male coupling member that extends forwardly and downwardly at the same predetermined angle of the female coupling member, and is closely received and selectively retained in the female coupling member to securely mount the gutter cover on the mounting bracket without using separate fasteners. In the Albrecht '674 patent, both the channel bracket 150 formed between upper walls 153, as well as the flex fold 112, open vertically upwardly. As a consequence, rainwater, as well as debris, can collect in the flex fold 112 of the Albrecht '674 gutter system, whereas in Applicants' arrangement as set forth in new claim 46, rainwater and roof debris shed away from the male and female connectors to provide a more secure, long lasting interconnection between the gutter cover and the mounting bracket, without requiring separate fasteners. Consequently, Applicants assert that new claim 46 is clearly patentable over the Albrecht '674 patent, as well as the other references of record.

The Albrecht '344 patent does disclose a gutter protection system having a gutter cover "K" with a folded over intermediate area, as illustrated in Fig. 11. As described at column 20, lines 28-65, the Albrecht '344 gutter protection system illustrated in Fig. 11 is designed to be mounted on top of the roof shingles, instead of under the roof shingles, as in the embodiment illustrated in Fig. 1. In the embodiment illustrated in Fig. 11 of the Albrecht '344 patent, an internal mounting bracket "MB" is attached to the wall of the building by horizontally oriented fasteners, and includes an outwardly protruding leg "MB7," which fits inside the fold "Q" of the gutter cover "K" so as to support the gutter cover at the roof side of the protection system. Hence, the folded over area in the center portion of the Albrecht '344 gutter cover "K" does not serve to interconnect the gutter cover with an associated bracket mounted in the gutter, but rather attaches the gutter cover to the wall of the building through the use of fasteners that extend horizontally through the vertical leg portion "MB3" of the clip "MB4." Hence, Applicants assert that the Albrecht '344 patent does not teach or suggest those unique features noted as lacking in

the Albrecht '674 patent, and expressly included in Applicants' new claim 46, as discussed above.

The remaining references of record have been carefully examined, and none teach or suggest those unique aspects of Applicants' invention, as defined in new claim 46, such that the same is believed to be patentable thereover.

New claims 47-55 depend directly or indirectly from new claim 46, and add additional structural and functional details thereto which further distinguish the same from the prior art of record.

Applicants' new claim 56 is substantively similar to prior claim 36, and recites particulars similar to those appearing in new claim 46, as discussed in detail above. Applicants assert that new claim 56, along with new claims 57-65, which depend therefrom, are patentable over the Albrecht '674 and Albrecht '344 patents, as well as the remaining references of record, for those reasons set forth above in support of new claim 46.

Applicants submit that the references of record do not teach or in any way suggest the unique rain gutter system and/or cover assembly defined in the new claims submitted herewith. Applicants' invention is directed to problems that are not addressed by any of the prior art references, and solves problems and inconveniences experienced in the prior art, thereby representing a significant advancement in the art. It is therefore respectfully submitted that claims 46-65 inclusive should be allowed, since the references, taken singly or in any combination, do not teach the unique invention set forth therein. A notice to this effect is earnestly solicited.

Respectfully submitted,

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